

SN. 10/757,040

ATTORNEY DOCKET NO. MLPO:002

REMARKS

Claims 1-8 remain pending in this application for which applicants seek reconsideration.

Amendment

Claims 1-3 and 5-7 have been amended to improve their form and readability, as well as to remove the informalities identified by the examiner. Allowable claim 3 has been placed in independent form. Independent claim 1 further has been amended to define the side member and the floor panel. No new matter has been introduced.

Allowable Claims

Claims 3-7 and 8/3-8/6 were indicated to be allowable if they are placed in independent form. Claim 3 has been placed in independent form to place these allowable claims in condition for allowance.

Drawing Objection

The examiner objected to Figs. 6-8 because the same reference number (45) is used to designate different elements, and Figs. 7 and 8 are not labeled "Prior Art." In this respect, reference "45" has been changed to --45'-- in Fig. 6 and the specification (page 15), and the legend --Prior Art-- has been added to Figs. 7 and 8. No new matter has been introduced.

§ 112 Rejection

Claims 1-8 were rejected under 35 U.S.C. § 112, second paragraph, because they contain language deemed indefinite or inaccurate. Throughout the claims, the term "nearly" has been changed to --substantially-- and the term "front" to --upper-- to obviate this rejection.

Art Rejection

Claims 1, 2, 8/1, and 8/2 were rejected under 35 U.S.C. § 102(b) as anticipated by the admitted prior art (Figs. 7 and 8 of the present disclosure) and Mori (USP 5,921,618). Claims 8/1 and 8/2 were further rejected under 35 U.S.C. § 103(a) as unpatentable over Mori.

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Applicants submit that the applied references would not have disclosed or taught at least the side member/floor panel structure as presently defined in claim 1.

Claim 1 recites a pair of side members extending in a longitudinal direction of a vehicle and a floor panel forming an accommodation concavity disposed between the pair of side members. The side members and the floor panel are joined together. The side members each are U-shaped, with an opening of the U-shape facing upward, and have a substantially vertical first side surface portion. The floor panel has substantially vertical second side portions. Each of the substantially vertical first side surface portion is positioned adjacent to and joined to one of the substantially vertical second side portions. Because the side members are U-shaped, with the upwardly facing opening, the floor panel can be joined to the substantially vertical surface portions thereof.

In the admitted prior art of Figs. 7 and 8, the floor panel and the side members are joined at the horizontally extending portions thereof. Accordingly, Figs. 7 and 8 would not have anticipated or taught the structure set forth in claim 1.

Mori discloses closed side members (two C-shaped members joined together) rather than open U-shaped side members. Based on this distinction alone, claim 1 would have distinguished over Mori. Further, even if Mori were deemed to disclose U-shaped side members for argument's sake, it would not have taught upwardly opening U-shaped side members. Accordingly, the Mori would not have disclosed or taught the structure set forth in claim 1.

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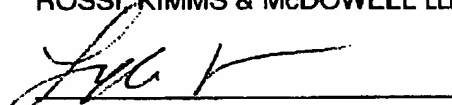
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Conclusion

Applicants submit that claims 1-8 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

ROSSI, KIMMS &amp; McDOWELL LLP

  
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Lyle Kimms

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Date

P.O. BOX 826  
Ashburn, VA 20146-0826  
703-726-6020 (Phone)  
703-726-6024 (fax)